

Notes on Perpetual Peace (Section 1)

Title: Perpetual Peace: A Philosophical Essay

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FIRST SECTION CONTAINING THE PRELIMINARY ARTICLES OF PERPETUAL PEACE BETWEEN STATES

1.—

“No treaty of peace shall be regarded as valid, if made with the secret reservation of material for a future war.”

For then it would be a mere truce, a mere suspension of hostilities, not peace.

A peace signifies the end of all hostilities and to attach to it the epithet “eternal” is not only a verbal pleonasm, but matter of suspicion.

[PLEONASM: noun, 1, the use of more words than are necessary to express an idea; redundancy; 2, an instance of this; 3, a redundant word or expression.]

(A treaty of peace with any secret reservation for use as material for a future war is merely a truce, a mere suspension of hostilities.)

(A suspension of hostilities is not eternal peace.)

(Any treaty of peace that contains a reservation for use as creating reasons for a future war is to be regarded as an invalid treaty of ‘peace.’)

The causes of a future war existing,

- although perhaps not yet known to the high contracting parties themselves,
- are entirely annihilated by the conclusion of peace,
- however acutely they may be ferreted out of documents in the public archives.

(A conclusion of peace entirely annihilates the cause of a future war.)

(Causes of a future war may be ‘secret’ in the sense that they are not yet known to the high contracting parties, or ‘secret’ in the sense that they are searched for and removed with extreme sensitivity to the slightest of detail.)

There may be a mental reservation of old claims to be thought out at a future time,

- which are, none of them, mentioned at this stage, because both parties are too much exhausted to continue the war,
- while the evil intention remains of using the first favourable opportunity for further hostilities.

(An example of a ‘secret’ reservation for use as creating a reason for a future war might be a mental reservation that is not mentioned in the negotiating process because the parties are too exhausted to continue the war.)

(Mentally reserving an old claim to negotiate it out at a later time is an example of a 'secret' reservation that would invalidate a peace treaty.)

Diplomacy of this kind only Jesuitical casuistry can justify: it is beneath the dignity of a ruler, just as acquiescence in such processes of reasoning is beneath the dignity of his minister, if one judges the facts as they really are.

[Jesuit: noun, 1, a member of a Roman Catholic religious order (Society of Jesus) founded by Ignatius Loyola in 1534; 2, *offensive*, a crafty, intriguing or equivocating person; so called in allusion to the methods ascribed to the order by its opponents.]

[Jesuitism: noun, 1, the system, principles, or practices of the Jesuits; 2, *disparaging*, an unethical principle or practice, such as casuistry or equivocation, ascribed to the Jesuits by their opponents.]

[Casuist: noun, 1, one who studies and resolves moral problems of judgments or conduct arising in specific situations; 2, an oversubtle or disingenuous reasoner, especially in questions of morality.]

(Jesuitical casuistry = equivocating and overly subtle and disingenuous reasoning)

(Secret mental reservations to the treaty just to claim peace from a war that has exhausted the parties, with the intention of using those reservation as a reason to reignite the hostilities later, invalidates the peace treaty and is beneath the dignity of a ruler.)

(A minister that acquiesces to a process that is continuing a peace treaty despite mental reservations that they intend to use to reignite the hostilities later is also engaging in a process that is beneath the dignity of that minister as well.)

If, however,

- according to present enlightened ideas of political wisdom,
- the true glory of a state lies in the uninterrupted development of its power by every possible means,
- this judgment must certainly strike one as scholastic and pedantic.

[Pedant: noun, 1, a person who makes an excessive show or inappropriate show of learning; 2, a person who overemphasizes rules or minor details; 3, a person who adheres rigidly to book knowledge without regard to common sense; 4, *obsolete*, a schoolmaster.]

[Glory: noun, 1, exalted praise, honor, or distinction bestowed by common consent; 2, something that makes one honored and illustrious; a distinguished ornament; an object of pride . . .]

(If the state's true object is not peace, but is, instead, uninterrupted development of its own power by every possible means, then this first article will be viewed by them as excessively restrictive and overly rigid.)

(Article 1: The *entire* treaty is void and unenforceable if one of the parties secretly held a mental reservation that they seek to use to reignite the controversy with at a later time.)

◆ AI Overview

Claim preclusion, or *res judicata*, is a legal doctrine preventing the same parties from re-litigating a cause of action after a final judgment on the merits. It bars relitigating claims that were raised or *could have been raised* in the initial suit, promoting finality and preventing excessive, repetitive litigation. [LII | Legal Information Institute +4](#)

Core Elements for Claim Preclusion

For claim preclusion to apply, typically four elements must be met: [YouTube +1](#)

- **Identical Parties:** The parties in the new lawsuit must be the same as, or in privity with, those in the original suit.
- **Final Judgment on Merits:** The prior case must have ended with a valid, final judgment.
- **Same Claim/Cause of Action:** The claim must arise from the same "transaction or occurrence" as the previous lawsuit.
- **Competent Jurisdiction:** The court in the first suit must have had the authority to hear the case. [LII | Legal Information Institute +3](#)

Key Aspects

- **Bar & Merger:** A losing plaintiff cannot sue again on the same claim (**bar**), and a winning plaintiff cannot sue again to get more damages (**merger**).
- **Mandatory Counterclaims:** In many jurisdictions (including federal courts), defendants must bring all related claims arising from the same transaction as counterclaims, or they are barred.
- **Difference from Issue Preclusion:** Claim preclusion prevents the re-litigation of an entire claim, while issue preclusion (collateral estoppel) only prevents re-litigating specific issues already decided.
- **Scope:** This doctrine applies even if the first suit didn't raise every possible argument, provided they *could* have been brought. [LII | Legal Information Institute +5](#)